

**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**9 June 2020**  
**A report by the Executive Director for Economy and Infrastructure**

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**Application Reference No. 5/20/9002 & 5/20/9003**

Application Type: Full Planning Permission

Proposal: Change of use for temporary storage and crushing of road planings prior to recycling

Location: Sandside Quarry, Sandside, Milnthorpe, CA7 7HW

Applicant: Tarmac

Date Valid: 2 April 2020

Reason for Committee Level Decision: Objections received

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## **1.0 RECOMMENDATION**

1.1 That Planning Permission be granted subject to conditions set out in Appendix 1 to this report

## **2.0 THE PROPOSAL**

2.1 Planning permission is sought to vary condition 1 of planning permission reference 5/16/9003 to allow the continued importation, storage and processing of road planings (ref 5/20/9003) and for the change of use of an additional area for temporary storage and crushing of road planings prior to recycling at Sandside Quarry, Milnthorpe. These would be temporary planning permissions with the same end date as the planning permission for winning and working of minerals at the site.

2.2 The Section 73 has come about as a consequence of planning permission reference 5/17/9013 which extended the end date for quarrying from 30 June 2020 to 30 June 2029.

2.3 The additional area for stockpiling materials is to allow additional flexibility for storing road planings as the existing stockpile is in a location that could interfere with the efficient exploitation of existing mineral reserves.

## **3.0 SITE DESCRIPTION**

3.1 Sandside Quarry lies between Arnside and Milnthorpe in the Arnside and Silverdale AONB. It overlooks the Kent Estuary which is part of the Morecambe Bay SAC, SSSI, Ramsar and SPA. The site is surrounded by the Haverbrack Bank Limestone Pavement Order. The north bank of the Kent Estuary opposite the site falls within the Lake District National Park. The border of the National Park is less than 1km from the site at its closest point.

3.2 Between the quarry and the Kent Estuary, there is a small business park, a handful of houses and two blocks of flats – Waters Edge (built in the early 1970's) and Herons Quay (built in the late 1980's). The site is reasonably well screened from residential properties by increasingly mature planting required by

the planning permission relating to the quarry access. However, there are limited views from the top floor of the flats into the quarry.

- 3.3 The site is accessed from the B2822 Park Road via a lane and dedicated access constructed to reduce disturbance from the quarry. Except for the occasional local delivery, all of the quarry traffic travels through Milnthorpe which is approximately 1 mile to the east of the site.
- 3.4 Sandside Quarry comprises the main quarry void, asphalt plant, site offices and mineral stocking areas. Stone is worked by blasting. The crushing and grading of aggregate and imported road planings is carried out using mobile plant within the quarry void. The site has been worked to its lateral extents and the remaining reserves are within the existing footprint of the quarry.
- 3.5 The areas subject to these applications are wholly within the quarry and I do not expect them to be visible from public viewpoints outside of the site.

#### **4.0 SITE PLANNING HISTORY**

- 4.1 Planning permission reference 5/17/9017 requires the removal of plant and other infrastructure and the restoration of the site to be completed by 30 June 2029. This extended the life of the site from 30 June 2020. This application was EIA development and was accompanied by an Environmental Statement.
- 4.2 Planning Permission reference 5/16/9008 allows the importation, stockpiling and use of road planings – more correctly referred to as recycled asphalt pavement (RAP) until 30 June 2020. In essence this planning permission allowed road planings to be imported to the site and stockpiled ahead of periodic crushing and screening to provide RAP suitable for incorporation into new asphalt. The majority of this material is backhauled by vehicles delivering fresh asphalt to where the road is being resurfaced.

#### **5.0 CONSULTATIONS AND REPRESENTATIONS**

- 5.1 South Lakeland District Council Planning Department: No objection subject to consideration of adopted and emerging planning policy and the comments of environment protection team.
- 5.2 South Lakeland District Council Environmental Protection team have not responded to the consultation.
- 5.3 CCC Highway Authority comment *“The volume of road planings per annum (8,000 tonnes) that the quarry will handle has already been approved so no additional impact on the highway network would take place due to this proposal. The quarry operations have already been extended to 30 June 2029 (approved planning application 5/17/9013). The 8,000 tonnes per annum generates an insignificant impact on the highway network at less than 1 HGV trip per day (as agreed in 5/16/9008). There is no reason that the insignificant impact of the road planings operations which take place within the quarry should not be extended to the same date as the quarrying operations.”*
- 5.4 CCC Lead Local Flood Authority: recommend that the application is not approved without further consideration of surface water impacts.

- 5.5 Environment Agency: No objection.
- 5.6 Natural England: No objection.
- 5.7 Arnside & Silverdale AONB Partnership: No objection.
- 5.8 Beetham Parish Council: Object on the basis of highway impact in (neighbouring) Milnthorpe; that the traffic assessment only refers to import of waste (rather than import and export), importation overnight and noise impact on residents of Watersedge Flats. They also note that there is no indication of the number of jobs created.
- 5.9 Milnthorpe Parish Council: Object on the basis of highway impact in Milnthorpe and the noise and pollution impact of the additional traffic; They also object to overnight working and that the traffic assessment only refers to imported material.
- 5.10 Mr McSweeney, member for Kent Estuary has not responded.
- 5.11 Three representation has been received from a members of the public. One questioned the process and sought further information about whether or not the applications were subject to Environmental Impact Assessment. The second objected on the basis of the impact on the health and quality of life through dust and vibration from lorries and machinery; increased noise levels during the night and general disturbance to the residents, many of whom are elderly. The third raises a number of concerns relating to traffic and transport. In particular, these include the narrow section of the B5282 to the crossroads in Milnthorpe; the poor state of the carriageway and damaged drainage grates/ manhole covers and questions whether it is appropriate to have this sort of traffic on a road designated as a cycle route. It raises concerns about the speed of wagons; vehicles crossing the central white lines; convoing; conflict with other large vehicles such as buses and the impact of pollution such as brake dust on the health of people and rare orchids at the junction with quarry lane. It also concludes that the information presented in the transport assessment is incorrect.

## **6.0 PLANNING POLICY**

- 6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.
- 6.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:
- Policy SP1 - Presumption in Favour of Sustainable Development
  - Policy SP2 - Provision for Waste
  - Policy SP13 - Climate Change Mitigation and Adaptation
  - Policy SP14 - Economic Benefit
  - Policy SP15 - Environmental Assets
  - Policy DC1 - Traffic and Transport
  - Policy DC2 - General Criteria

- Policy DC3 - Noise
- Policy DC5 - Dust
- Policy DC6 - Cumulative Environmental Impacts
- Policy DC9 - Criteria for Waste Management Facilities
- Policy DC16 - Biodiversity and Geodiversity
- Policy DC19 - Flood Risk
- Policy DC20 - The Water Environment

## South Lakeland

- [South Lakeland Core Strategy](#) - adopted 20 October 2010
- [South Lakeland Local Plan Land Allocation Development Plan Document Policies](#) - adopted 17 December 2013.
- [South Lakeland Development Management Policies Development Plan Document](#) - adopted 28 March 2019.
- [Arnside and Silverdale AONB Development Plan Document](#) - adopted 28 March 2019.

6.3 [The National Planning Policy Framework](#) (NPPF) was published in a revised form in February 2019. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

## 7.0 PLANNING ASSESSMENT

7.1 The development has been screened in relation to the Environmental Impact Assessment Regulations on the basis of being a development that represents a change to other EIA development (quarrying). The screening opinion is included as Appendix 3 to this report and concludes that the proposal does not constitute EIA development.

7.2 The key planning issues relevant to the proposed schemes are considered to be:

### **To what extent is traffic a planning consideration for this application?**

7.3 Heavy Good Vehicles servicing the quarry have been a source of general comment and complaint about the site for a number of years. This is because in order to reach the primary highway network, all traffic has to travel through Milnthorpe. This is a particular issue as there is a narrow section of the B5282 Park Road approaching the crossroads in Milnthorpe. This is about 250m long and is heavily trafficked as it is the main road to Sandside, Storth and Arnside. It also provides access to a supermarket and other retail businesses.

7.4 Policy DC1 of the CMWLP requires minerals and waste developments to be well related to the strategic route network; and/ or to have the potential for rail or waterborne transport; and sustainable transport to work and minimise “minerals and waste road miles”. The principle of minimising waste miles is set out on CMWLP policies SP2 & SP13. Whilst there is no prospect of linking the site by

rail or using waterborne transport I am satisfied that this site meets the criteria set out in the policy, as it is approximately 4 miles by road to the A590 and 7 miles to the M6.

- 7.5 This application proposes no increase in traffic over and above that which already has planning permission. It is of note that overall Tarmac have tried to reduce the numbers of vehicles visiting the site by using vehicles with a greater payload by upgrading much of their fleet that service this site from rigid to articulated wagons. It is also of note that the extension of time for quarrying was required as the site has not operated at full capacity for a number of years.
- 7.6 The asphalt plant has permission to operate 24 hours a day. Whilst the aspiration to back haul road planings in the vehicles delivering new asphalt material could not be conditioned as it would be to all intents and purposes unenforceable, it is more efficient and economically advantageous to the company to operate in this way. Furthermore, RAP can only be a relatively small component of new asphalt and is not suitable for use in all products and situations. As such the quantity returned to the quarry is closely monitored.
- 7.7 It is of note that there have are no recorded complaints about the importation and recycling of road planings or the importation of other materials such as high specification aggregate for incorporation into asphalt. I consider this to be likely due to it being difficult if not impossible to differentiate between this work and other operations / traffic associated with the quarry and the relatively minor volumes of material involved.

**Would the development give rise to unacceptable emissions of dust or have any other unacceptable impact on air or water quality?**

- 7.8 With respect to air quality, dust may arise when road planings are deposited although this would be minimal due to their bitumen bound nature and the location well within the quarry where they would be deposited. There is potential for dust generation during crushing and screening operations although this would be no greater and broadly indistinguishable from processing primary aggregates. This would be managed through the existing dust management procedures on site and subject to condition. However, I do not propose additional dust monitoring requirements as should additional dust be generated it would not necessarily be possible to distinguish the source.
- 7.9 Bitumen based asphalts contain significantly lower levels of polycyclic aromatic hydrocarbons (PAH) than older tar based material. Tar based road planings are not suitable for the production of RAP. The environmental risk of PAH leaching from bitumen is extremely small and the storage of road planings and RAP requires no more precautions than the storage of virgin aggregate. Consequently there would be no unacceptable risk to the Arnside and Silverdale AONB, the Kent Estuary, which is part of the Morecambe Bay SAC, SSSI, Ramsar and SPA or the surrounding Haverbrack Bank Limestone Pavement Order.
- 7.10 It follows that I consider the application meets the requirements of CMWLP policy DC5 – Dust & DC20 which seeks to protect the water environment
- 7.11 **Would the development have an unacceptable impact on residential amenity through noise, dust or other impact?**
- 7.12 As noted above, I do not consider the proposals are likely to give rise to

additional dust impact off site as the site already has comprehensive dust suppression procedures and any failure should be picked up through the existing dust monitoring procedures.

- 7.13 Similarly noise impacts from crushing, screening and general handling operations during normal operating hours will be lost in amongst the noise of normal operations at the site. However, the deposit of material, backhauled to the site at night, has a much greater potential to cause nuisance. The main quarrying planning permission allows the asphalt plant to operate 24 hours a day, albeit with reduced maximum noise levels and reduced numbers of lorries. These applications would not change either the maximum noise limits or the maximum numbers of vehicles per hour. I consider the requirements of CMWLP policy DC3 are met as the overall noise limits at the quarry are below those set out in the policy and this application should not result in an increase. Should this not be the case, the monitoring requirements will help identify any problem resulting in non compliance.

#### **Would the development have an unacceptable impact on biodiversity?**

- 7.14 As the development is wholly within the quarry I consider it unlikely that it would have an adverse impact on habitats or species. However, the site is very close to a number of designated sites, including Morecambe Bay SAC, SPA and Ramsar. It follows that in accordance with our duties under the Habitat Regulations as a competent authority, we have undertaken an assessment of likely significant effects. This concludes that there is no likely significant effects. Natural England concur. This is available on the County Council website.
- 7.15 It follows that I consider the application to accord with policy DC16 of the CMWLP and Arnsdale and Silverdale AONB DPD policy AS04 – Natural Environment.

#### **Would this development have an unacceptable risk from Surface water flooding or pose other risk to the water environment?**

- 7.16 Part of the site that is currently used for the storage and processing of road planings is shown on Environment Agency data as being at risk from surface water flooding. However, it is not in a designated flood risk zone and it is therefore not necessary to produce a full flood risk assessment. It is the lowest point of the main quarry void and is part of the surface-water management system that manages water across the wider site. Having sought further information (that was delayed due to staff issues relating to the coronavirus situation), the applicant has commented "*The EA site is mapped as having a few small pockets of potential ground that may store water at times of high rainfall. The mapping that produces this looks at ground contours and models areas where there is apparently no natural drainage, e.g. bowls. In reality the quarry void, where the main areas of pooling are shown, are all bare ground that is, exposed rock with no soils or materials that would impede the flow of rainwater in to the underlying limestone. The quarry floor is highly fractured as a result of the blasting regime employed to extract the limestone; that is the practice of over drilling below the level of extraction and charging/blasting the rock for up to 1m in depth below the resultant quarry floor. To the best of his knowledge the extraction has always been dry. In general, unless there has been some localised blinding off of the floor with quarry fines, rain water normally drains quite freely in the extraction void. Blinding would lead perhaps to small localised*

*ponding that would dissipate over a matter of days. It is unlikely that surface water flooding will pose any risk to the proposed use and development. If localised pooling did occur and this were to be a problem, it could simply be pumped out of the quarry using the sites licensed discharge arrangements.”* It is of note that the Environment Agency data is derived from a digital terrain model produced from LiDAR data and not from “real world” experience of where flooding problems have occurred and is subject to the following caveat “*The map has been produced using a simplified method that ignores urban sewerage and drainage systems, ignores buildings and uses a single rainfall event – therefore it only provides a **general indication** of areas which **may** be more likely to suffer from surface water flooding. It does not show susceptibility of individual properties to surface water flooding.*” Although I am satisfied that surface water flooding is not a problem, at the time of writing I have not received further comment from the LLFA and therefore cannot definitively conclude that the application complied with CMWLP policy DC19 Flood risk.

### **Does the proposal accord with other Planning Policy requirements?**

- 7.17 CMWLP Policy SP13 sets out that to mitigate for climate change, proposals should be resource efficient. Life cycle analysis undertaken in Italy indicated that indicates that incorporation of RAP into new asphalt mixes was more environmentally beneficial than the more common practice of using road planings as unbound sub-base or surfacing for tracks. There is no explicit economic benefit (beyond resource efficiency) but there are no adverse impacts on other industries or on regeneration have been identified, so I do not consider the proposal conflicts with CMWLP Policy SP14 – economic benefits.
- 7.18 CMWLP policy SP15 relates to Environmental Assets and DC6 relates to cumulative environmental impacts. I consider this policy to be relevant to this application as it is located in within an AONB and adjacent to sites designated for their high conservation value. For reasons set out above, in and of itself, I consider the impact of this development to be neutral. This is because it is within an existing site and will not have a discernible offsite or cumulative impact. However, it will not enhance the assets nor present opportunities to do so.
- 7.19 I consider the application meets the general criteria set out in CMWLP policy DC2

### **Other Material Considerations**

- 7.20 I have identified no other material considerations relevant to the consideration of the applications.

## **8.0 CONCLUSION**

- 8.1 Read in isolation I understand the concerns of local residents and the parish councils. Stood alone, this location would probably not be appropriate for these developments. However, they are functionally linked to the planning permission for quarrying and operation of the asphalt plant. As noted in the application to extend the life of the quarry, there are only limited reserves remaining at the site and there is no scope to physically extend the site. The proposed conditions link these developments to the life of the quarry site.
- 8.2 The risk of increased noise and dust should be considered in light of the existing noise and dust impact of the site. Given the small scale of these proposals I do

not expect that any additional impact will be discernible outside the site. Furthermore, these impacts are controlled through existing management systems and are subject to monitoring by site staff as well as regular objective compliance monitoring by third party experts.

- 8.3 In summary, I consider that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. Any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that this application be granted subject to the proposed conditions.

### **Human Rights**

- 8.4 The proposal will have a limited impact on the residential amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) are minimal and proportionate to the wider social and economic interests of the community.

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**Electoral Division Identification:** Kent Estuary – Mr P McSweeney



## **Appendix 1 - PROPOSED PLANNING CONDITIONS**

### **Time Limit for Implementation of Permission**

- 1** This permission shall be for a limited period only expiring on 30 June 2029, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hardstanding shall and any remaining stockpiles have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

*Reason To secure the proper restoration of this area following the approved period for this temporary development.*

### **Approved Scheme**

- 2** The development hereby permitted shall be carried out in accordance with the following:
  - a. The submitted Application Form – dated 26 March 2020
  - b. Planning Statement “Change of use for temporary storage and crushing of road planings prior to recycling at Sandside Quarry, Sandside, Cumbria LA7 7HW” March 2020.
  - c. Plans numbered and named:
    - i) S006 / 00089A Storage and Crushing Area – Site plan
    - ii) S006 / 00090A Storage and Crushing Area – Location plan

*Reason To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

- 3** No operations shall take place in the “Road planings storage area” shown on drawing number S006 / 00089A outside the hours:

07:00 to 19:00 Mondays to Fridays  
07:00 to 13:00 Saturdays  
Or on Sundays, Bank or Public Holidays

This condition shall not operate so as to prevent the deposit of road planings, use of pumping equipment and carrying out of essential maintenance to plant and machinery used on site.

*Reason To ensure that no operations hereby permitted take place outside normal working hours so as to prevent any adverse impact arising on any sensitive property in accordance with Policy DC2 of the CMWLP*

**4** The following information shall be recorded and the record for the previous 12 months forwarded to the Local Planning Authority within 2 weeks of written request:

- a) Dates when and the number of loads of road planings accepted at the site.
- b) Dates when and the number of loads of road planings deposited outside of normal working hours specified in Condition 3.
- c) Dates when the stockpile is processed

*Reason To ensure the proper monitoring of the site, in the interests of highway safety and to minimise the potential for adverse environmental impacts arising from traffic in Policy DC2 of the CMWLP*

**5** In combination with the number of vehicle movements associated with the operation of the quarry and the asphalt plant under planning permission 5/17/9013, the total number of vehicle movements shall not exceed:

- a) 330 on weekdays and 250 on Saturdays.
- b) Except on a maximum of 50 weekdays in any one calendar year where the number shall not exceed 400.

*Reason To keep the impact of traffic at existing levels, in the interests of highway safety and to minimise the potential for adverse environmental impacts arising from traffic in accordance with Policy DC1 of the CMWLP.*

**6** Notwithstanding the requirements of Condition 5, in combination with the number of vehicle movements associated with the operation of the quarry and the asphalt plant the total number of vehicle movements entering and leaving the site shall not exceed:

- 8 in any hour between 0000 and 0600 on Mondays,
- 8 in any hour between 1900 and 0600 Monday to Friday,
- 8 in any hour between 1900 and 2400 on Fridays and
- 8 in any hour between 0000 and 0600 on Saturdays, or on Sundays, Bank or Public Holidays;
- Or
- 14 between 0600 and 0700 Monday to Saturday (but not Bank or Public Holidays);

*Reason To keep the impact of traffic at existing levels, in the interests of highway safety and to minimise the potential for adverse environmental impacts arising from traffic in accordance with Policy DC1 of the CMWLP.*

**7** The Freefield Equivalent continuous Noise Level (LAeq 1hour) at any noise sensitive property shall not exceed:

Day	Hours	Noise Level dB
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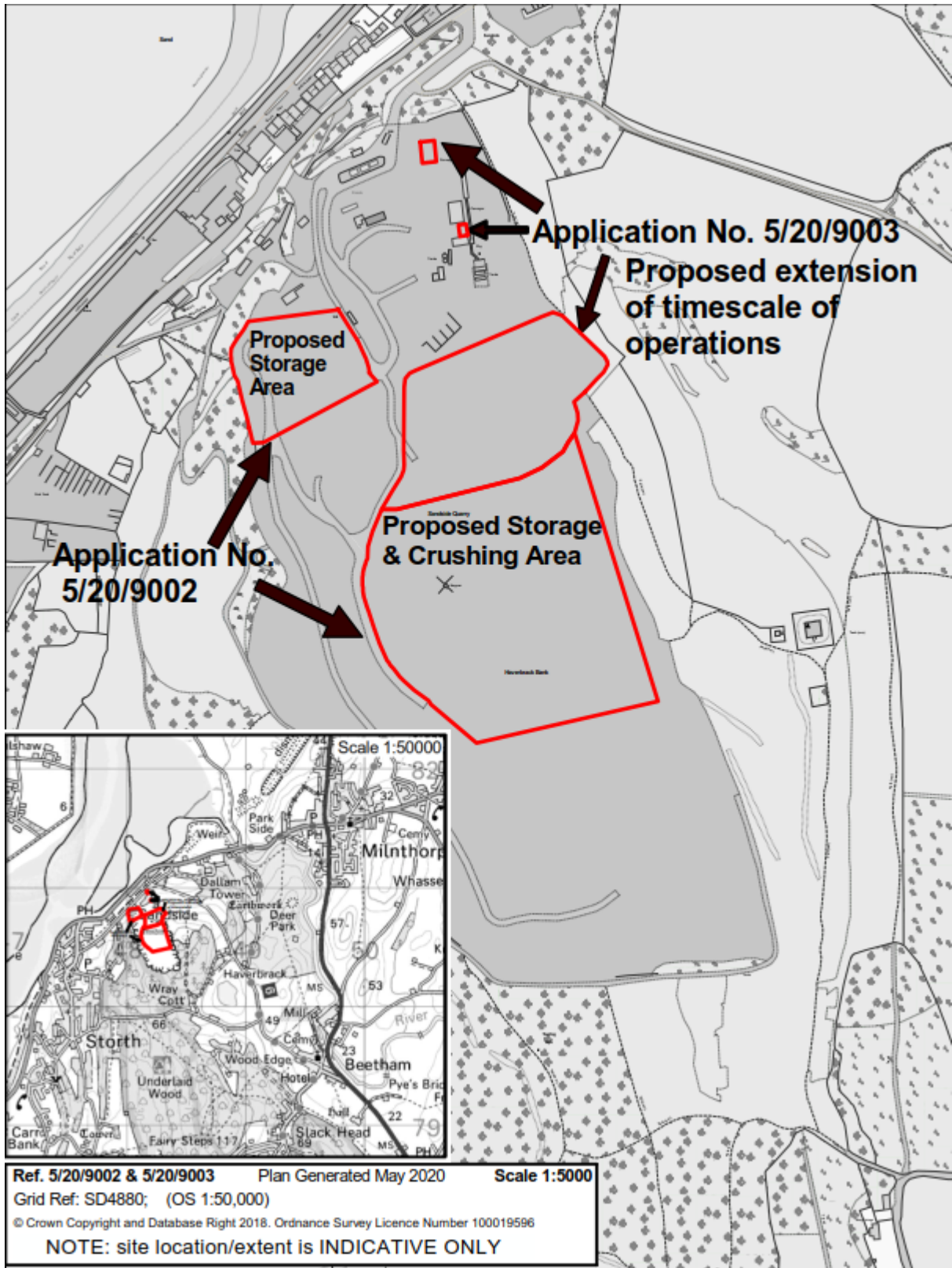
Monday to Friday	0000 - 0600	42
	0600 - 0700	50
	0700 - 1900	55
	1900 - 2400	42
Saturday	0000 - 0600	42
	0600 - 0700	50
	0700 - 1300	55
	1300 - 2400	42
Sundays, Public holidays	0000 - 2400	42

*Reason In the interests of local amenity and to limit noise impacts at existing levels  
in accordance with DC2 & DC3 of the CMWLP*

- 8** The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the Road planings storage area shown on drawing number S006 / 00089 with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

*Reason In the interests of local amenity and to limit noise impacts at existing levels  
in accordance with DC2 & DC5 of the CMWLP*

Appendix 2 - PLAN OF SITE LOCATION/EXTENT



## **SCREENING OPINION**

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

**Ref. 5/20/9002 & 5/20/9003**

**Date:** 29 April 2020

**Proposal:** Change of use for temporary storage and crushing of road planings prior to recycling

**Location:** Sandside Quarry, Sandside, Milnthorpe, CA7 7HW

**Developer:** Tarmac

Planning applications relating to a time extension and for an additional area for the storage and recycling of road planings have been received. These applications are wholly within and functionally linked to Sandside Quarry. Planning permission was granted subject to a legal agreement in September 2019 for an extension of time for winning and working of mineral at the Quarry. Planning Permission reference 5/17/9013 was subject to Assessment in relation to the above regulations.

#### **EIA Criteria and Need for Screening**

The proposal does not meet or exceed any of the thresholds set out in Schedule 1 of [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) (the 2017 Regulations). As such it falls under Schedule 2 of the 2017 Regulations.

The proposed development is a change to a development within class 2(a) of Column 1 of Schedule 2 of the 2017 Regulations. It follows that it is itself a development within Column 1 of Schedule 2 as it falls within class 13(b):

*“Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.”*

For developments coming under 13(b) the screening threshold is either

*(i) The development as changed or extended may have significant adverse effects on the environment; or*

*(ii) in relation to development of a description mentioned in column 1 of this table, the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded.*

The proposed development covers approximately 7ha. As this exceeds the screening threshold, the development is considered to have potential impacts singularly or in combination that require screening under the 2017 regulations.

#### **Description and Characteristics of the Proposed Development**

The proposed development is to vary condition 1 of planning permission reference 5/16/9003 to allow the continued importation, storage and processing of road planings and for the change of use of an additional area for temporary storage and crushing of road planings prior to recycling at Sandside Quarry, Milnthorpe. These would be temporary planning permissions with the same end date as the planning permission for winning and working minerals at the site. This would entail the importation and stockpiling of road planings, which are a waste material. This would be ahead of periodic crushing, screening and storage of processed material before incorporation into new asphalt. As the volume of recycled asphalt that can be incorporated into new asphalt is limited it is only proposed to import up to 8000 tonnes of road planings per annum. The proposal only relates to the recovery of the waste material and does not relate to the disposal of it.

### **The Location and its context**

Sandside Quarry lies between Arnside and Milnthorpe in the Arnside and Silverdale AONB. It overlooks the Kent Estuary which is part of the Morecambe Bay SAC, SSSI, Ramsar and SPA. The site is surrounded on three sides by the Haverbrack Bank County Wildlife Site and Limestone Pavement Order.

Between the quarry and the Kent Estuary, there is a small business park, a handful of houses and two blocks of flats – Waters Edge (built in the early 1970's) and Herons Quay (built in the late 1980's). The site is reasonably well screened from residential property by increasingly mature planting required by the planning permission for the access. However, there are limited views from the top floor of the flats into the quarry.

The proposed development site is in a landscape categorised by the Cumbria Landscape Character Guidance and Toolkit (CLCGT) as 3b Coastal Limestone - Wooded Hills and Pavements. This landscape type in this broad area is characterised by low rolling wooded hills, open pasture, coastal features, limestone pavement and views across Morecambe Bay and up to the Lakeland fells.

### **Potential adverse impacts on sensitive areas, habitats or species**

[Schedule 3](#)(2) of the EIA Regulations 2017 requires consideration of the 'environmental sensitivity' of the geographic areas likely to be affected by the development.

#### ***Statutory Designated Nature Conservation Sites***

The nearest statutory designated nature conservation site to the proposed development site is Morecambe Bay SAC, SPA, 140m to the east. There are no obvious linkages between the proposal and Morecambe Bay. The quantity of material that is imported is relatively small compared to the amount of aggregate imported for particular asphalt products. The quantity of recycled material produced is very small as compared to the amount of aggregate produced at the site.

Therefore, in view of the characteristics of the development; the environmental sensitivity and regenerative capacity of the relevant areas; which were assessed as part of planning application reference 5/17/9013. It is considered that there is no potential for the project to adversely affect the integrity of any designated sites or any protected species. In reaching this conclusion special consideration has been applied to the SSSI status and international conservation status of Morecambe Bay.

### ***Other Habitats/Species***

Similarly, the changes to the Quarry development (5/17/9013) are not considered to have any potential to impact on the Haverbrack Bank Limestone Pavement order or the habitat of protected species in or around the quarry.

### **Flood Risk & the Water Environment**

The proposed development site is not within a fluvial or tidal flood risk zone (as designated by the Environment Agency). Part of the site is within an area that Environment Agency modelling suggests may be susceptible to surface water flooding.

The quarry site benefits from a comprehensive surface water drainage system and overall the project is considered unlikely to have any adverse impact in respect of flood risk or the existing water environment.

### **Environmental Health Issues – Noise, Odour, Pests, Human Health Risks**

#### ***Noise***

The quarry development subject to EIA allows for 24hour operation of the asphalt plant, albeit with limitations on the numbers of vehicles and noise levels permitted to operate at night. The proposals include the stockpiling (but not processing) of road planings overnight. It is expected that this material would be backhauled from where fresh asphalt is being delivered to. The stockpiling areas are further from noise sensitive receptors than the existing asphalt plant. The site would not be opened solely to accept waste material. It is therefore not expected that the baseline noise levels would be change.

In light of the above, it is considered unlikely that the development would have a significant noise impact in combination with the impacts already subject to EIA. Any potential for noise can be dealt with as part of the normal planning application process.

#### ***Odour, Pests & Toxicity***

Road planings are to all intents and purposes a dry inert material and do not create an odour or attract pests. All road repair contracts that would result in planings being delivered to the site are subject to physio chemical testing to ensure that only asphalt that used a bituminous rather than (coal) tar based binder is imported to the site. This eliminates the risk of importing potentially carcinogenic materials to the site.

In light of the above, and the proposed sites distance from potential receptors and the limited extent of potential impact, the proposal is considered to have low potential of significant effects.

### **Risk of Accidents**

There is a risk to human health from physical injury / accidents on any site where heavy plant and machinery operates. This has been recently been assessed in relation to quarrying at the site. This project introduces no novel techniques or processes or requires changes to operational practice that would result in an increased risk of accident. The potential of impact of accidents offsite is considered to be negligible.

### **Archaeological/Heritage Impact**

As the project is wholly within a part of an active hardrock quarry that has already been worked, there is considered to be no potential for direct impact on archaeological features that may have been present. The nearest listed building/structure to the proposed development site is Dallam Tower which is Grade II listed and lies just over 850m to the east of the site. It is screened from the site by topography and woodland.

The nearest World Heritage Site is the Lake District National Park, the boundary of which is 400m to the west in the middle of the Kent Estuary / Milnthorpe Sands. The impact of quarrying on the World Heritage Site was assessed in the Environmental Statement submitted with application reference 5/17/9013. This change to the project is minor in extent and would not be visible from outside the quarry. It is therefore considered to have a negligible additional impact on the World Heritage Site.

Accordingly the potential impacts are not of sufficient scale to warrant EIA. The potential impacts can be dealt with as part of the normal planning application process.

### **Landscape and Visual Impact**

The quarry is wholly within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and as noted above close to the Lake District National Park.

The nearest public right of way is a footpath (ref. 504043) which runs from Sandside towards Storth. At its closest it is about 40m to the west of the additional storage area. However it is screened from the site by virtue of topography and woodland. There are some potential public viewpoints from Haverbrack banks where a network of informal paths allow limited views in to the quarry. There are no public viewpoints from which this project would be visible.

Within the context of the working quarry, although the road planings are generally darker than the light grey of quarried limestone, the proposal is not considered to be visually prominent.

Whilst in terms of visual amenity the quarry site lies within a high quality landscape, the changes to the quarry from this application are not of sufficient magnitude to warrant re-assessment of the landscape and visual impact undertaken in relation to the quarry permission.

In light of the above and considering the criteria in Schedule 3 Section 2 of the 2017 regulations and the extent of potential impact, it is considered that a significant impact on the wider landscape and visual amenity is not likely. As such they are not judged to be sufficient for the proposed project to constitute EIA development. The landscape and visual impacts of the proposal can be dealt with as part of the normal planning application process.

### **Traffic Impact**

The scale of this proposal in relation to the overall quarrying operation is very minor. Although it generates some additional vehicle movements, the majority of imported material would be backhauled to the site using vehicles delivering new asphalt to road works sites. The exported material has previously been assessed. Coupled with the maximum quantity of 8000 tonnes per year, any potential traffic impacts are not of a level that would constitute EIA development.



The traffic impacts of the proposal can be dealt with as part of the normal planning application process.

## **CONCLUSIONS**

The County Council has taken account of the selection criteria in Schedule 3 of the 2017 Regulations as well as the advice set out in the National Planning Practice Guidance (NPPG). With regard to the NPPG, particular reference has been made to the following sections:

- Environmental Impact Assessment: Screening Schedule 2 projects (Paragraphs: 017-025)

<http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/>

- Annex: Indicative screening thresholds:

[Gov.uk/government/uploads/system/uploads/attachment\\_data/file/630689/eia-thresholds-table.pdf](http://Gov.uk/government/uploads/system/uploads/attachment_data/file/630689/eia-thresholds-table.pdf)

Although the project is located in an area with a high level of environmental sensitivity, the identified impacts are not of sufficient magnitude to warrant re-evaluation of the environmental impacts of the quarry that were subject to full Environmental Impact Assessment in 2017.

Consequently, having regard to the characteristics of the development, its location and the characteristics of potential impacts - singularly and cumulatively; the Local Planning Authority is of the opinion that the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature and scale and the limited extent and low probability of impact. As such the Local Planning Authority does not consider that the proposal requires an Environment Impact Assessment (EIA).

## **SCREENING OPINION**

Having had regard to the characteristics of the development, the environmental sensitivity of geographical areas likely to be affected by it and the characteristics of potential impact and their significance, both singularly and cumulatively, it is the County Council's opinion as Local Planning Authority that the proposed project does not constitute EIA development.

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Signed: Angela Jones  
Acting Executive Director for Economy and Infrastructure  
on behalf of Cumbria County Council.

Dated: 29 April 2020